

ORDINANCE NO. 22-06

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER II ENTITLED “ADMINISTRATION,” MOST NOTABLY SECTION 2-3.2, ENTITLED “MEETINGS,” AND CHAPTER III ENTITLED “POLICE REGULATIONS,” MOST NOTABLY SECTION 3-3.2, ENTITLED “POSSESSION OF WEAPONS PROHIBITED.”

WHEREAS, pursuant to *N.J.S.A. 40:48-1* and *N.J.S.A. 40:48-2*, the governing body of a municipality may make, amend, repeal, and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State and/or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and, as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any other law; and,

WHEREAS, the Mayor and Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey (the “Borough”) have considered the decision of the United States Supreme Court in the case of [*New York State Rifle & Pistol Association, Inc. v. Bruen*](#), which struck down the laws of the State of New Jersey, amongst other states, regarding the granting of and limits on permits for carrying of concealed weapons by individuals; and,

WHEREAS, the Mayor and Borough Council deem it necessary and appropriate to enact legislation to protect the safety and security of residents and citizens using public spaces, including schools and government buildings, pending further action, if any, by the Legislature of the State of New Jersey; and,

WHEREAS, the Borough wishes to amend, revise and supplement the Borough Code of the Borough of North Plainfield as it relates to Chapter II of the Borough Code specifically as to Administration, and provisions of Chapter III, Police Regulations, more particularly Section 3-3.2, “Possession of Firearms Prohibited.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield, Chapter II, Administration, is hereby amended, revised and supplemented as to Section 2-3.2, currently titled “Meetings,” and Chapter III, Police Regulations, more particularly Section 3-3.2, “Possession of Firearms Prohibited,” as follows:

Deletions shown by ~~striketrough~~; additions shown by underline

Borough Code § 2-3.2, Meetings, is hereby amended as follows:

§ 2-3.2, Meetings.

a. The biennial organization meeting in January shall be called to order by the Mayor; and after roll call and adoption of the rules of order, the first order of business shall be the election of President of the Council. Upon the election of the President of the Council he or she shall then preside at the Council meeting.

b. The regular meetings of the Council shall be held at such time and on such day as the Council shall, by resolution, designate in accordance with law, provided that when any such day falls upon a legal holiday or the day immediately preceding a primary or general election within the Borough, the meeting shall be held at the same hour on the next succeeding day that is not a legal holiday. The Council may provide by resolution in advance, for the scheduling of additional meetings, or the cancellation of any meetings. All meetings shall be held in the Municipal Building, unless the Council shall by resolution provide otherwise.

c. No person shall be permitted to carry any firearm, concealed or otherwise, in any public building during any public meeting of the Borough Council, its boards, bodies, commissions and/or agencies, except for any duly appointed law officer in the course of his or her official duties or carrying an authorized off-duty weapon.

Borough Code § 3-3.2, Possession of Firearms Prohibited, is hereby amended as follows:

§ 3-3.2, Possession of Firearms Prohibited.

a. It shall be unlawful for any person to possess or carry any shotgun, pistol, rifle, revolver, or any other contrivance prohibited by Subsection 3-3.1 hereof within the confines of the Borough when such shotgun, pistol, rifle, revolver or other contrivance is loaded and capable of being discharged.

b. No person shall be permitted to carry any firearm, concealed or otherwise, in any public building or adjacent public spaces at any time, including all public spaces owned, controlled and/or otherwise under the jurisdiction of the Borough of North Plainfield, and in any school building or adjacent public spaces, including any spaces owned, controlled or otherwise under the jurisdiction of the Board of Education of the Borough of North Plainfield except for any duly appointed law officer, or Special Law Enforcement Officer in the course of his or her official duties or carrying an authorized off-duty weapon by the school resource officer or Special Police officers. The head of school security may be permitted to carry a firearm if appointed and requested by the Superintendent of Schools and approved in writing by the Chief of Police.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: August 15, 2022
PASSED: August 15, 2022
PUBLISHED: August 19, 2022
ADOPTED: September 12, 2022

ROLL CALL: AYES: Corzo, Given, McIntyre, Merrill, Miller, Schaefer, Stabile
NAYS: None
ABSTAIN: None
ABSENT: None

APPROVED BY THE MAYOR: Yes XXX No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on September 12, 2022

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, Jr., Council President
Date signed: _____, 2022

Date signed: 12 September 2022

Lawrence LaRonde, Mayor

Date signed: September 12, 2022